

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

PROMEGA CORPORATION, ET AL.

Plaintiff,

vs.

LIFE TECHNOLOGIES CORPORATION,
INVITROGEN IP HOLDINGS, INC., AND
APPLIED BIOSYSTEMS, INC.,

Defendants.

Civil Action No. 10-CV-281

**RESPONSE TO PROMEGA’S MOTION *IN LIMINE* NO. 10: PROHIBITING NEW
WITNESSES AND TESTIMONY ON NEW TOPICS IN UNTIMELY RULE 26(a)(1)
FILING**

Defendants Life Technologies Corporation, Invitrogen IP Holdings, Inc., and Applied Biosystems, Inc. (collectively, “Life”) oppose Promega’s Motion *in Limine* No. 10. This motion seeks relief on same grounds set forth in Promega’s Motion to Strike Defendants’ Newly Disclosed Rule 26(a)(1) Witnesses and Related Filings submitted by Promega on January 16, 2011. (Dkt. # 368, 369, 370 & 371). Life hereby fully incorporates by reference its Memorandum in Opposition to Promega’s Motion to Strike Defendants’ Rule 26(a)(1) Supplemental Witnesses (Dkt. #423) and Declaration of Kristine E. Johnson (Dkt. #424).¹ For the reasons set forth in those filings, Promega’s Motion *in Limine* similarly should be denied.

¹ Life further notes that Promega has included on its Witness List (Dkt. #390) a proposed witness, Dr. Tim Sheehy, that has not previously been disclosed. To the extent that any portion of Promega’s motion is granted, Life similarly seeks exclusion of any testimony from Dr. Sheehy.

DATED: January 25, 2012.

/s/ Kristine E. Johnson

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